

NO. 0-10-498

RIPPY OIL COMPANY, RIPPY INTEREST § IN THE DISTRICT COURT OF
LLC, THE GENECOV GROUP, INC., And §
JOHN D. PROCTOR §
§
VS. § LEON COUNTY, TEXAS
§
KNIGHT OIL TOOLS, INC., And §
PIONEER DRILLING COMPANY § 124th JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, RIPPY OIL COMPANY ("RIPPY OIL") on its own behalf, and on behalf of all working interest owners, to-wit: Rippy Interest LLC; and The Genecov Group, Inc., and John D. Proctor (hereinafter sometimes referred to as Plaintiffs) complaining of KNIGHT OIL TOOLS, INC. ("KNIGHT OIL TOOLS") and PIONEER DRILLING COMPANY ("PIONEER") hereinafter sometimes referred to as Defendants, and for cause of action, would show the Court the following:

I.

DISCOVERY PLAN

Plaintiffs request that the discovery in this case be conducted under Level 3.

II.

PARTIES

Plaintiff, RIPPY OIL, is a Texas corporation with its principal place of business in Tyler, Smith County, Texas. Rippy Oil brings suit on its own behalf and on behalf of all working interest owners, to-wit: Rippy Interest LLC; The Genecov Group, Inc., and John Procter.

Plaintiff, RIPPY INTEREST LLC, is a Texas limited liability company with its principal place of business in Tyler, Smith County, Texas.

FILED
DIANE DAVIS, DISTRICT CLERK
LEON COUNTY, TEXAS

DEC 23 2010

Diane Davis

Plaintiff, THE GENECOV GROUP, INC., is a Texas corporation with its principal place of business in Tyler, Smith County, Texas.

Plaintiff, John D. Proctor, is an individual residing in Tyler, Smith County, Texas.

Defendant, KNIGHT OIL TOOLS, INC., is a Louisiana corporation authorized by the Texas Secretary of State to do business in Texas and doing business in Texas. Knight Oil Tools' principal place of business in Texas is Houston, Harris County, Texas. Knight Oil Tools can be served with process by serving its registered agent Timothy R. Brown at 333 Clay Street, Suite 3300, Houston, Texas 77002. Plaintiffs request that citation issue at this time.

Defendant, PIONEER DRILLING COMPANY, is a Texas corporation with its principal place of business in Texas and can be served with process by serving its registered agent CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Dallas County, Texas 75201. Plaintiffs request that citation issue at this time.

III.

JURISDICTION AND VENUE

This Court has jurisdiction over the subject matter of this lawsuit because the amount in controversy is in excess of the minimal jurisdictional limits of the Court. The Court has personal jurisdiction over Defendants, because they have purposely availed themselves of the privileges and benefits of conducting business in Texas pursuant to §17.042 of the Texas Civil Practice & Remedies Code, have engaged in business in Texas by providing services to Texas residents, which services were to be performed in whole or in part in Texas, and the cause of action made the basis of this suit arises out of Defendants' contacts with and in the state of Texas.

Venue is proper in Leon County, Texas pursuant to the provisions of §§ 15.001, 15.002(a)(1) of the Texas Civil Practice & Remedies Code because Leon County is the county in which all or a substantial part of the events or omissions giving rise to the claim occurred.

IV.

FACTUAL SUMMARY

At all times mentioned below, Plaintiff Rippy Oil Company was, and is now, engaged in the oil and gas business, including the exploration, drilling, and production of hydrocarbons.

At all times mentioned below, Defendant Knight Oil Tools was, and is now, engaged in the business of providing drilling services including supplying drill pipe.

At all times mentioned below, Defendant Pioneer Drilling was, and is now, engaged in the business of providing drilling services including the use of drill pipe.

Heretofore, Defendants provided Plaintiff certain drilling services including the supplying of drill pipe for which Defendants have invoiced Plaintiffs in excess of the minimum jurisdictional limits of this Court. Plaintiffs sought the drilling services and drill pipe for use in their well known as the Easterling No. 1-H well located in Leon County, Texas. The Easterling No. 1-H well was the first of a multi-well program planned for the Aguila Vado (Eagleford Shale) Field which comprised approximately 14,000 acres in Leon County.

The drill pipe supplied by Defendant Knight Oil Tools and utilized by Defendant Pioneer Drilling was represented to be API Specification 5D 3 ½" O.D. 13.30-PPF Grade S-135 drill pipe.

At the time the drill pipe was supplied, Defendants knew or had reason to know the purpose for which Plaintiffs sought the drill pipe and drilling services and that Plaintiffs were relying on Defendants to furnish drill pipe and drilling services suitable and fit for that purpose.

On or about May 11, 2010, Defendant Pioneer Drilling was utilizing the drill pipe supplied by Defendant Knight Oil Tools during drilling operations when the drill pipe supplied by Defendant Knight Oil Tools failed, destroying the Easterling No. 1-H Well.

V.

NEGLIGENCE

Plaintiffs would incorporate the factual allegations set forth in Paragraph IV under "Factual Summary."

Defendants were negligent in the distribution and use of the drill pipe in question. Defendants' negligence was a proximate cause of Plaintiffs' damages. Plaintiffs cannot more specifically allege the specific acts of negligent distribution and use of the drill pipe in question on the part of Defendants at this time because facts in that regard are particularly within the knowledge of Defendants. In the alternative, in the event Plaintiffs are unable to prove specific acts of negligent distribution and use of the drill pipe in question, Plaintiffs rely on the doctrine of *res ipsa loquitur*. In this connection, Plaintiffs would show that the character of the occurrence giving rise to this litigation is such that it would not have happened in the absence of negligence, and the distribution and use of the drill pipe in question was within the exclusive control of Defendants at the time the negligence probably occurred.

VI.

STRICT LIABILITY

Plaintiffs would incorporate the factual allegations set forth in Paragraph IV under "Factual Summary."

The drill pipe in question distributed by Defendant Knight Oil Tools was defective and unsafe for its intended purposes at the time it left the control of Knight Oil Tools and at the time it was delivered to Plaintiffs' well site. The drill pipe in question was defective in that it failed to conform to its design, specifications, and represented qualities and characteristics. The drill pipe in question was in the same or substantially same condition at the time it failed in Plaintiffs' well as it was when it was originally distributed by Defendant Knight Oil Tools. Defendant Knight Oil Tools' defective drill pipe was the producing cause of Plaintiffs' damages.

VII.

DAMAGES

Plaintiffs would incorporate the factual allegations set forth in Paragraph IV under "Factual Summary."

As a result of Defendants' negligence and strict tort liability, Plaintiffs have suffered damages in excess of the minimal jurisdictional limits of this Court.

VIII.

JURY REQUEST

Plaintiffs request a jury trial of this matter and have accordingly paid the proper fee with the filing of Plaintiffs' Original Petition.

IX.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs request that Defendants be cited to appear and answer, and that on final trial, Plaintiffs have:

- (1) Judgment against Defendants, jointly and severally, for damages in a sum within the jurisdictional limits of this Court;

- (2) Pre-judgment and post-judgment interest at the maximum rate permitted by law;
- (3) Costs of court; and
- (4) Such other and further relief to which Plaintiff may be justly entitled.

Respectfully Submitted,

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